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OFFICE OF PETITIONS

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In re Application of
Stefan Schmidt
Application No. 10/009,890
Filed: April 8, 2002
Attorney Docket No. 21195.PUS

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), on August 18, 2009, to revive the above-identified application.

A petition decision was mailed on March 18, 2009. In response, petitioner files the present petition. However, it is noted that the decision mailed March 18, 2009 provided a one month time limit to respond; however, the present petition was not filed until August 18, 2009. Therefore, a four month extension of time will be charged to petitioner's deposit account, as authorized.


The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Isaac Angres appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The renewed petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) an amendment; (2) the petition fee of \$1,620, which was previously filed; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2877 for review of the amendment filed on September 5, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions